



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 5714-99  
10 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 10 March 1992 at age 18. The record shows that on 7 February 1993 you received nonjudicial punishment (NJP) for writing 17 bad checks totaling \$1,350.84. The punishment included a reduction in rank to PFC (E-2) and forfeitures of pay totaling \$880, which was suspended for six months. In connection with this offense you were counseled and warned that further misconduct could lead to discharge under other than honorable conditions. You were also told to complete a correspondence course on personal finance, which you did in July 1993.

On 8 September 1993 you received another NJP for two instances of disobedience. A summary court-martial convened on 16 December 1993 and convicted you of writing eight bad checks in the amount of \$665. The court sentenced you to reduction to PFC, forfeiture of \$600 pay and 20 days of confinement at hard labor. You received your third NJP on 29 July 1994 for wrongful possession of 25 rounds of government ammunition. The punishment included a reduction in rank to PVT (E-1) and forfeiture of \$416.

Based on the foregoing record of misconduct you were processed

for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 5 August 1994 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 24 August 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you should not have received the second NJP. You believe that if this NJP is disregarded, the remaining two NJP's would not support discharge due to a pattern of misconduct. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated and serious misconduct. There is no evidence in the record, and you have submitted none, to show that the second NJP was incorrect. The record shows that you were given an opportunity to appeal the NJP at the time but did not do so. However, even if this NJP was disregarded, the remaining record of two NJP's and a summary court-martial for multiple offenses would still support discharge processing due to a pattern of misconduct.

The Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director